

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 92-289-T - ORDER NO. 92-826✓
SEPTEMBER 23, 1992

IN RE: Application of Slay Transportation Co.,) ORDER GRANTING
Inc., #2 Monsanto Avenue, Sauget, IL) MOTION TO
62201, for a Class E Certificate of) PRODUCE AND
Public Convenience and Necessity.) REQUEST FOR AN
) EXTENSION OF
) TIME TO RESPOND
) TO INTERROGATORIES

This matter is before the Public Service Commission of South Carolina (the Commission) on the Motions to Produce filed by Southern Bulk Haulers, Inc. and Infinger Transportation Co., Inc. (the Intervenor). Additionally, this matter is before the Commission on Slay Transportation Co., Inc.'s (the Applicant's) request for an extension of time to respond to the Intervenor's interrogatories. Upon consideration of the filings made by the parties, the Commission hereby grants the Motions to Produce and the request for an extension of time as explained below.

1. Motions to Produce. The Intervenor asserts the Applicant should be required to provide it with copies of the following:

1. Copies of all exhibits, charts, documents and other tangible information which it intends to produce at the hearing on the above.
2. Copies of all corporate financial statements for the last six (6) years, beginning in 1985.

3. Copies of all balance sheets of Slay Transportation Co., Inc. for the last four years.
4. Copies of all notes and other loan documents existing between Slay Transportation Co., Inc., its officers, directors and stockholders.
5. Copies of all leases and/or contracts with other certificated carriers in South Carolina.
6. A list of all equipment by model number, make and year of manufacture that are domiciled, licensed and insured in the State of South Carolina.
7. Copies of any and all violations of any rules and regulations of certificated carriers filed against Slay Transportation Co., Inc. by the State of South Carolina during the years 1989, 1990 and 1991.
8. Copies of any and all violations of any and all rules and regulations of any Federal government agency, to include the Department of Defense, the Department of Transportation, the Interstate Commerce Commission or any other governmental agency which governs transportation for any state in the United States where the Applicant has intrastate or interstate certificated operating authority for the years 1989, 1990 and 1991.
9. Copies of any and all documents received from any State or Federal governmental agency regulating and governing transportation, either intrastate or interstate commerce, relating to the removal from service of any equipment owned, leased or operated by the Applicant.
10. Copies of any and all invoices of shipments handled in intrastate commerce under any current lease agreement or contract with any South Carolina certificated carrier sent to any such certificated carriers.

The Applicant objects to the production of items 2, 3, and 4. The Applicant asserts that through its Regulations the Commission has stated its criteria for determining whether a motor carrier is fit, willing, and able and that items 2, 3, and 4 are "neither relevant

nor calculated to lead to the discovery of relevant admissible evidence."

The Commission finds that the items requested by the Intervenor are reasonably calculated to lead to the discovery of admissible evidence. Rule 26 (b)(1), SCRCP. Consequently, the Commission finds that the Applicant should produce the documents stated in the Intervenor's Motion to Produce. The Applicant should produce these documents within fifteen (15) days of the date of this Order.

2. Request for Extension of Time. The Applicant requests a fifteen (15) day extension of time in which to respond to the Intervenor's interrogatories.¹ The Applicant makes this request because it recently retained counsel. The Intervenor has not responded to the Applicant's request.

The Commission finds that sufficient good cause supporting the extension has been shown and that the extension should be granted. The Commission recognizes the Applicant requested an extension until September 17, 1992. However, in recognizing the lag time for the Commission to address the request, the Commission grants the

1. The Applicant requested an extension of time until September 17, 1992.

Applicant five (5) days from its receipt of this Order in which to respond to the interrogatories.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)